

09-17

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING CHAPTER 71A, STORMWATER
MANAGEMENT, TO THE CODE OF THE BOROUGH OF
MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 71A, Stormwater Management, be and hereby is amended in the Code of the Borough of Merchantville, as follows:

ARTICLE X.

Refuse Containers/Dumpsters

ARTICLE I. ARTICLE X. SECTION 71A-38. Purpose.

This Article requires dumpsters and other refuse containers that are outdoors or exposed to storm water to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Merchantville and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE II. ARTICLE X. SECTION 71A-39. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly

demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“Municipal separate storm sewer system (MS4)” – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying storm water. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport storm water from streets and other sources.

“Person” – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

“Refuse container” – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

“Storm water” – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

“Waters of the State” – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE III. ARTICLE X. SECTION 71A-40. Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Merchantville.

ARTICLE IV. ARTICLE X. SECTION 71A-41. Exceptions to Prohibition.

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge storm water under a valid NJPDES permit
- e. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup).

ARTICLE V. ARTICLE X. SECTION 71A-42. Enforcement.

This Article shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Merchantville.

ARTICLE XI.

Private Storm Drain Inlet Retrofitting

ARTICLE VI. ARTICLE XI. SECTION 71A-43. Purpose.

This Article requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Merchantville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE VII. ARTICLE XI. SECTION 71A-44. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“Municipal separate storm sewer system (MS4)” – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying storm water. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry

sanitary sewage at all times and to collect and transport storm water from streets and other sources.

“Person” – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

“Refuse container” – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

“Storm water” – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

“Waters of the State” – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE VIII. ARTICLE XI. SECTION 71A-45. Prohibited Conduct.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

ARTICLE IX.**ARTICLE XI.****SECTION 71A-46.****Design Standard:**

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended or settleable solids. For exemptions to this standard, see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect storm water from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted rains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and storm water basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.

b. Where flows are conveyed through any device (e.g. end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c) that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

ARTICLE X. ARTICLE XI. SECTION 71A-47. Enforcement.

This Article shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Merchantville.

ARTICLE XI. ARTICLE XI. SECTION 71A-48. Penalties.

In addition to the penalties provided for in Section 71A-25 of this Chapter, any person(s) who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$1,250.00 for each storm drain inlet that is not retrofitted to meet the design standard.

ARTICLE XII. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

ARTICLE XIII. Repealer.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XIV. Effective date.

This Ordinance shall take effect after passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing Ordinance was introduced by Mayor and Council at the regular meeting held on October 19, 2009. This Ordinance will be considered for adoption on final reading and public hearing to be held on November 9, 2009 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to adopt the regulations required by the N.J. Department of Environmental Protection relative to Refuse Containers/Dumpsters and Private Storm Drain Inlet Retrofitting in and for the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.